REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 4, 2008. At the time of the Final Office Action, Claims 1-33 were pending in this Application. Claims 1-33 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-5, 7-23 and 25-33 were rejected by the Examiner under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0133405 filed by Scott G. Newnam et al. ("*Newnam*") in view of U.S. Patent No. 7,161,934 issued to Luiz Buchsbaum et al. ("*Buchsbaum*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

The Examiner rejected these Claims under 35 U.S.C. §102(a). Applicant respectfully disagrees as anticipation cannot be established by *Newman* in view of *Buchsbaum*. Applicant therefore interprets this rejection as a 35 U.S.C. §103 rejection.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

According to the independent claims 1, 16, 17, and 19, information transmissions are produced in a broadcast standard. The Examiner seems to agree with this interpretation as he recited paragraph [0007] of Newman to disclose this step as live or taped broadcast. Office

Action, page 4, paragraph 9. Thus, these information transmissions are, for example, a TV program formatted according to a broadcast standard.

According to claims 1, 16, 17, and 19, this information transmission is then received by a TV decoder and fed into a data and/or communications network. The Examiner stated that the poll data 310 are being received by the set-top client 110 and the answer to the poll data is returned to the Server system 200 via communication network. Applicant respectfully would like to point out that the Examiner is interpreting elements of *Newman* that are not claimed in the above claim limitation. Claims 1, 16, 17, and 19 clearly state that the information transmission is received by a TV decoder and fed into a data and/or communication network. The poll data 310 is not an information transmission in a broadcast standard. Moreover, at no time does the set-top box feed this received information into the network. At best, the set-top client 110 can be interpreted to feed an answer to server system 200. However, an answer is a completely different transmission and is certainly not identical with poll 310. Hence, *Newman* does not disclose to receive information transmission by a TV decoder and feed this received information into a data and/or communications network.

Hence the independent Claims 1, 16, 17, and 19 cannot be rendered obvious by *Newman* as interpreted by the Examiner because the above discussed limitation is clearly not disclosed by *Newman*. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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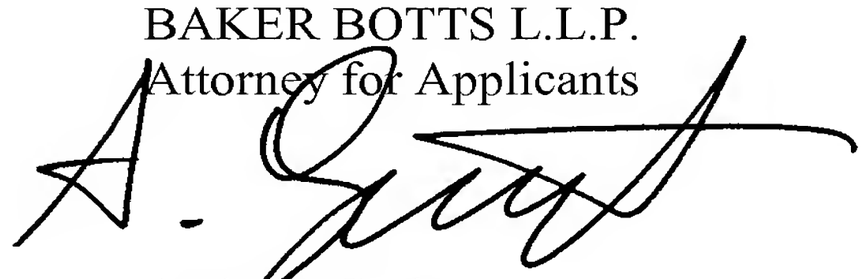

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